

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SW/S Trenton Mill Road, 3078' E of Hanover Pike (5301 Trenton Mill Road) 5th Election District 3rd Councilmanic District Piney Branch Golf & Country Club * Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve amendments to the previously approved site plans in Case Nos. 64-13X, 80-184-SPH, 87-142-SPH and 88-39-SPH to permit additions to the existing clubhouse and to approve an existing overflow parking area; and variances to permit a grass parking surface for overflow parking in lieu of the specified paving, or, in the alternative, to permit 120 parking spaces in lieu of the required 144 parking spaces, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by George E. Myers, Vice President, appeared, testified, and was represented by William E. Hammond, Esquire. Also appearing on behalf of the Petition was John C. Riser, representative for the Building Committee. There were no Protestants.

Testimony indicated that the subject property, known as 5301 Trenton Mill Road, consists of approximately 203 acres zoned R.C. 2 bordering the Baltimore County/Carroll County line. Said property is the site of the Piney Branch Golf Course which has been the subject of various zoning hearings, the first matter being Case No. 64-13-X in which a special exception for a golf course was granted subject to an approved plan. Thereafter, in Case No. 80-184-SPH, Petitioner was granted approval to amend the originally approved site plan to reduce the area of the golf

course and add an addition to the clubhouse. In Case No. 87-142-SPH another amendment to the site plan was granted wherein the Petitioner was authorized to construct the "cart barn" addition as depicted in Petitioner's Exhibit 1. Subsequently, in Case No. 88-39-SPH, Petitioner was granted another amendment to the site plan to allow an expansion to the maintenance building, also as depicted in Petitioner's Exhibit 1. Petitioner has filed the instant Petition for Special Hearing for approval to modify the clubhouse, as shown in Petitioner's Exhibit 1, and as more fully described in Petitioner's Exhibit 2. The proposed modifications will permit the expansion of existing office space, the men's locker rooms, the kitchen by 100 sq.ft., the grill area by 50 sq.ft., a reduction in the game and storage rooms, and covering the patio area with the potential to enclose that area at some point in the future. Testimony presented indicated that the proposed modifications would not in any way conflict with the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioner presented testimony regarding the proposed additions meeting the spirit and intent of the zoning regulations and not presenting any detriment to the health, safety or general welfare of the surrounding community.

With regard to the Petition for Zoning Variance filed, testimony presented by Mr. Myers, who has been a member of the Golf Club for the past 25 years, indicated that on no occasion has there been any parking problem or the need for any overflow parking. However, the relief requested is necessitated as a result of the proposed improvements. As noted by Petitioner, the Piney Branch Golf and Country Club is strictly private and the rounds of golf played on the course have decreased since 1987. (See Petitioner's Exhibit 3). Testimony presented indicated that generally,

there is no parking problem as a result of the control placed on the use of the facilities and members call to reserve "Tee" time prior to coming to the Club on busy days. Even during the most active periods, Mr. Myers indicated that he and others have always been able to find parking spaces. Testimony presented indicated that the granting of the parking variance will not result in any detriment to the health, safety or general welfare of the community. Further, Petitioner argued that in light of the location of the Club and surrounding uses, it would be a hardship and detrimental to Petitioner to require blacktopping the proposed overflow parking area.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the alternative variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. In the opinion of the Deputy Zoning Commissioner, a variance to the number of parking spaces required would not result in substantial detriment to the public health, safety, or general welfare and should therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of June, 1990 that the Petition for Special Hearing to approve amendments to the previously approved site plans in Case Nos. 64-13X, 80-184-SPH, 87-142-SPH and 88-39-SPH to permit additions to the existing clubhouse, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 120 parking spaces in lieu of the required 144 parking spaces, be

ORDER RECEIVED FOR FILING

Date 6/14/90 By [Signature]

ORDER RECEIVED FOR FILING

Date 6/14/90 By [Signature]

ORDER RECEIVED FOR FILING

Date 6/14/90 By [Signature]

ORDER RECEIVED FOR FILING

Date 6/14/90 By [Signature]

and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- 2) Compliance with the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated April 10, 1990 and made a part of the record; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a grass parking surface for overflow parking in lieu of the specified paving be and is hereby DISMISSED without prejudice.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 11, 1990

William E. Hammond, Esquire
Turnbull, Mix & Farmer
706 Washington Avenue
Townson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Trenton Mill Road, 3078' E of Hanover Pike
(5301 Trenton Mill Road)
5th Election District - 3rd Councilmanic District
Piney Branch Golf & Country Club, Inc. - Petitioners
Case No. 90-466-SPHA

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel
File

Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE 339
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-466-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.8.A.2 and 101 to permit a grass parking surface for overflow parking in lieu of the specified paving, or, in the alternative to permit 120 parking spaces in lieu of the required 144 parking spaces constituting overflow parking. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Piney Branch Golf & Country Club, Inc.
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Name, address and phone number]
Name: [Name]
Address: [Address]
City and State: [City and State]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Name, address and phone number]
Name: [Name]
Address: [Address]
City and State: [City and State]

ORDER RECEIVED FOR FILING

Date 6/14/90 By [Signature]

ESTIMATED LENGTH OF HEARING - 1/2HR. (1HR.)
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: UCR DATE 3/29/90

PETITION FOR SPECIAL HEARING 339
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-466-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amendments to site plan to provide additions to the clubhouse and to approve existing overflow parking area.

*in previous cases 64-13X, 80-184-SPH, 87-142-SPH, 88-39-SPH
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Piney Branch Golf & Country Club, Inc.
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Name, address and phone number]
Name: [Name]
Address: [Address]
City and State: [City and State]

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of April, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the 4th day of June, 1990, at 9:30 o'clock A.M.

ORDER RECEIVED FOR FILING

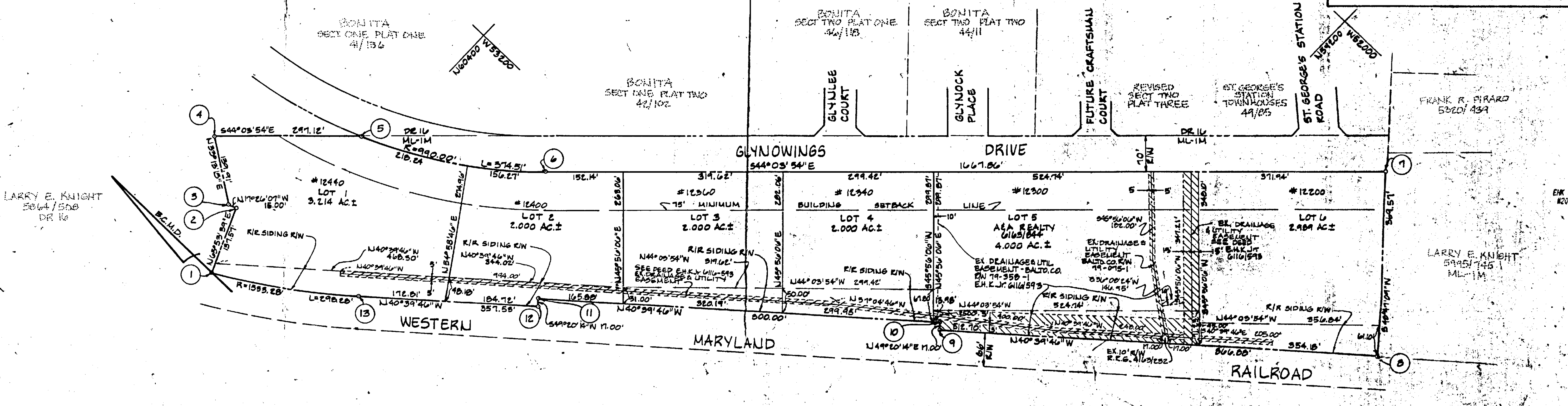
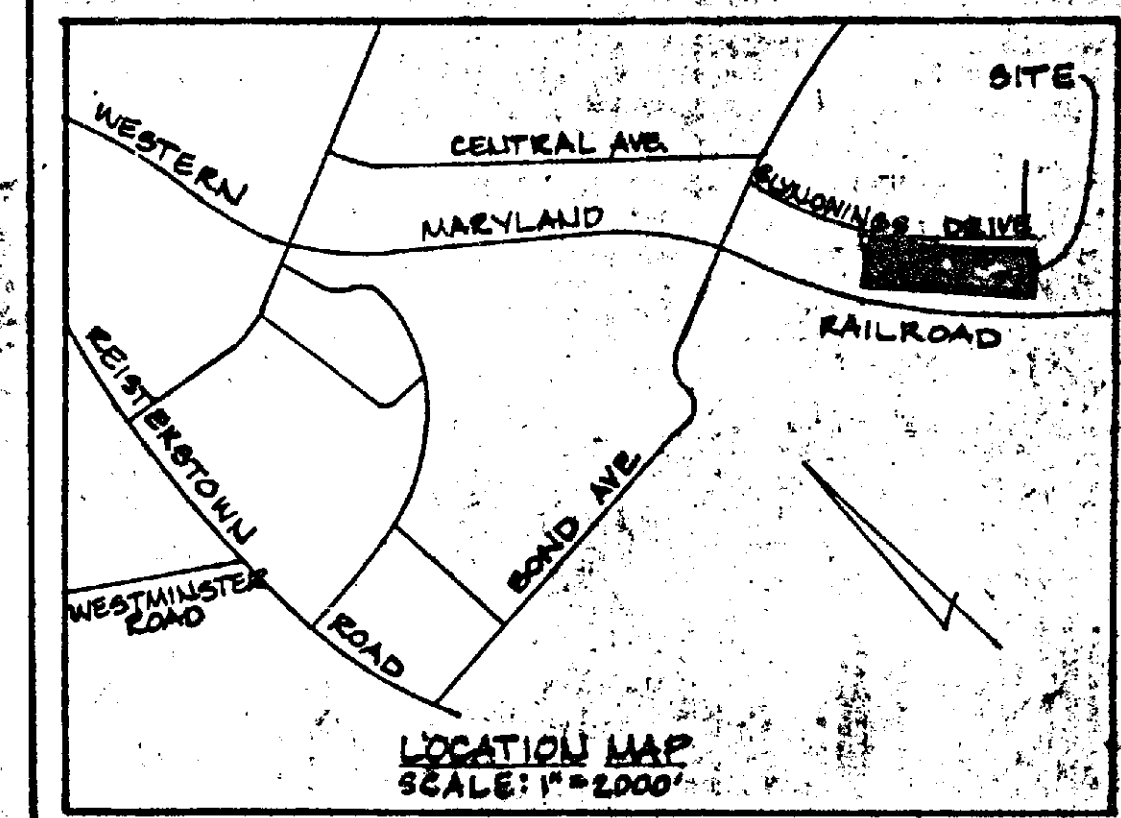
Date 6/14/90 By [Signature]

ESTIMATED LENGTH OF HEARING - 1/2HR. (1HR.)
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: UCR DATE 3/29/90

COORDINATE SCHEDULE			
	NORTH	WEST	
1	60466.94	53421.19	8
2	60823.13	53795.62	9
3	60597.44	53800.11	10
4	60654.40	53725.40	11
5	60440.98	53516.82	12
6	60129.57	53512.82	13
7	58931.13	52152.87	

CURVE DATA					
FROM TO	RADIUS	Δ	LENGTH	TANGENT	CHORD
5 6	990.00'	21°40'29"	374.51'	184.52'	333°15'39.5"E 372.28'
13 1	1593.28'	11°08'41"	290.20'	149.61'	N35°05'23"W 291.81'

LEGEND
TRACT OUTLINE
STREET R/W
LOT LINES
BASEMENTS
RAILROAD R/W
BUILDING SETBACK LINE
LOT NUMBERS
HOUSE NUMBERS
COORDINATE



NOTES:
1. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PACE, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT. NOR DOES IT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTO. COUNTY.
2. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH SECTION 22-10 (EIGHT YEARS AFTER THE DATE OF APPROVAL OF THE PRELIMINARY PLAN TO WHICH THIS PLAT WAS PREPARED).
3. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
4. THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.

OWNER & DEVELOPER
LOTS 1, 2, 3, 4, 5, 6
LARRY E. KNIGHT
458 MAIN STREET
REISTERSTOWN, MD 21136
5595 / 745

ENKJR 51 FOLD 130
Date: 8/21/83
Test:
PETITIONER'S EXHIBIT 2
90-46-77
RESUBDIVISION OF
SECTION ONE
ST. GEORGE'S INDUSTRIAL PARK
BALTO. CO., MD
SCALE: 1" = 100'
ELECT. DIST. 4
AUGUST 24, 1983

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
X-9723 N 01821.66
N 53420.57
N 41°00'16"N TO X-9722

NOTE:
THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

OWNERS CERTIFICATE:
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION 101 OF SECTION 3108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.
8/31/83
DATE

SURVEYORS CERTIFICATE:
THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT, AND THE PLAT THEREOF HAS BEEN PREPARED, IN COMPLIANCE WITH SUBSECTION 101 OF SECTION 3108 OF THE REAL PROPERTY ARTICLE, OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.
9/1/83
DATE



APPROVED BY BALTIMORE COUNTY HEALTH DEPARTMENT
DIRECTOR OF HEALTH
APPROVED BY BALTIMORE COUNTY PLANNING BOARD
DIRECTOR
DATE

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
TOWSON, MARYLAND 21204
APPROVED AS TO ALIGNMENT AND LOCATION OF STREETS
DIRECTOR OF PUBLIC WORKS
DATE

P.R.A. COMPLETED 47896 L.A.P.
FINAL PLAT CHECKED
PLANNING
ENGINEERING
HOUSE NOS.
COMPUTED BY: E.H. CHECKED BY: J.H.

cc: Mr. Donald Richardson
Piney Branch Golf & Cuntry Club, Inc.
5301 Trenton Mill Road

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
4th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Hammond
James E. Hammond
Chairman,
Zoning Plans Advisory Committee

Petitioner: Piney Branch Golf & Country Club, et al
Petitioner's Attorney: William E. Hammond

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 19, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Piney Branch Golf and Country Club, Item No. 339

In reference to the Petitioner's request, staff offers no
comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/cmm

APR 21 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 6, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number
324, 329, 330, 331, 334, 335, 336, 337, 339, 340, 341, and 342.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/LW

RECEIVED
APR 16 1990
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT
APR 20 1990
Date: 4/10/90
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 339, Zoning Advisory Committee Meeting of April 17, 1990
Property Owner: Piney Branch Golf & Country Club, Inc.
Location: 5301 Trenton Mill Road
Water Supply: private
Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:
() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment
for any existing or proposed food service facility, complete plans and specifications must be submitted
to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
() Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality
Management, 887-3775, to obtain requirements for such installation(s) before work begins.
() A permit to construct from the Bureau of Quality Management is required for such items as spray paint
processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or
process which exhausts into the atmosphere.
() A permit to construct from the Bureau of Air Quality Management is required for any chattriole: generation
which has a total cooking surface area of five (5) square feet or more.
() Prior to approval of a Building Permit Application for renovations to existing or construction of new
health care facilities, complete plans and specifications of the building, food service area and type
of equipment to be used for the food service operation must be submitted to the Plans Review and Approval
Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for
review and approval.
() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathroom,
sauna, whirlpool, hot tubs, water and sewerage facilities or other appurtenances pertaining to health
and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department
of Environmental Protection and Resource Management for review and approval. For more complete information,
contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations
For more complete information, contact the Division of Maternal and Child Health.
() If lubrication work and oil changes are performed at this location, the method providing for the elimination
of waste oil must be in accordance with the State Department of the Environment.
() Prior to raising of existing structure(s), petitioner must contact the Division of Waste Management
at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the
contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior
to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
() Soil percolation tests, have been _____ must be _____ conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water
and Sewer to determine whether additional tests are required.
() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore
County Standards must be drilled.
() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property
and approval of Building Permit Applications.
() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-
logical and chemical water samples.
() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental
Effects Report must be submitted. For more information contact the Division of Environmental Management
at 887-3980.
() In order to subdivide this property, the owner or developer will be required to comply with the subdivision
regulations of the State of Maryland and Baltimore County. If there are any questions regarding the
subdivision process, please contact the Land Development Section at 887-2762.
() Others _____
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610
Ted Zaleski, Jr.
Director

APRIL 6, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PINEY BRANCH GOLF AND COUNTRY CLUB, INC.
Location: #5301 TRENTON MILL ROAD
Item No.: 339 Zoning Agenda: APRIL 17, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.
Water for fire protection shall be provided in accordance with the
urban guide for fire protection and control master planning.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.
Chapter 8 and 9.

REVIEWER: *Carl J. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 11, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 17, 1990

The Developers Engineering Division has reviewed
the subject revised zoning items and we have no comments
for Item 330, 331, 334, 335, 337, 339, 340, 341.

For Item 324, a County Review Group Plan may be required.

For Items 329 and 336 the previous County Review Group
Comments still apply.

For Item 342, no comment on the variance request,
however, the plat reference for lot 5, Block B is
SM 60, Folio 32.

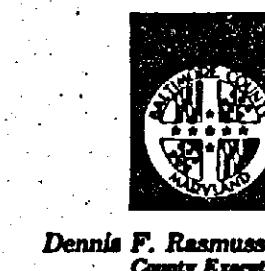
Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 2, 1990

William E. Hammond, Esquire
107 Main Street
Reisterstown, MD 21136



Dennis F. Rasmussen
County Executive

RE: Piney Branch Golf Club
Zoning Hearings: 64-13, 80-184,
87-142, 88-39
SW/S Trenton Mill Road, 3000+ SE
of Hanover Pike
5th Election District

Dear Mr. Hammond:

As a follow-up on the meeting this week, I have consulted with J.
Robert Haines, Zoning Commissioner, to review the architectural plans for
the proposed additions to the clubhouse building, including the men's
locker room, women's locker room, offices and future patio enclosure.
These new proposed and future additions, the bathrooms and shelters
previously approved in October by this office and the parking availability
was considered and it has been determined that these changes would not be
within the spirit and intent of the last amendment hearing.

I wanted to inform you of this decision without delay so that you could
prepare an amendment petition and revised plan should your client decide to
proceed with the required public hearing.

If I can provide you with any additional clarification concerning this
decision or filing information, please contact me in this office. I have
taken the liberty to include the required forms and general filing
information.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

Enclosures

cc: James E. Dyer

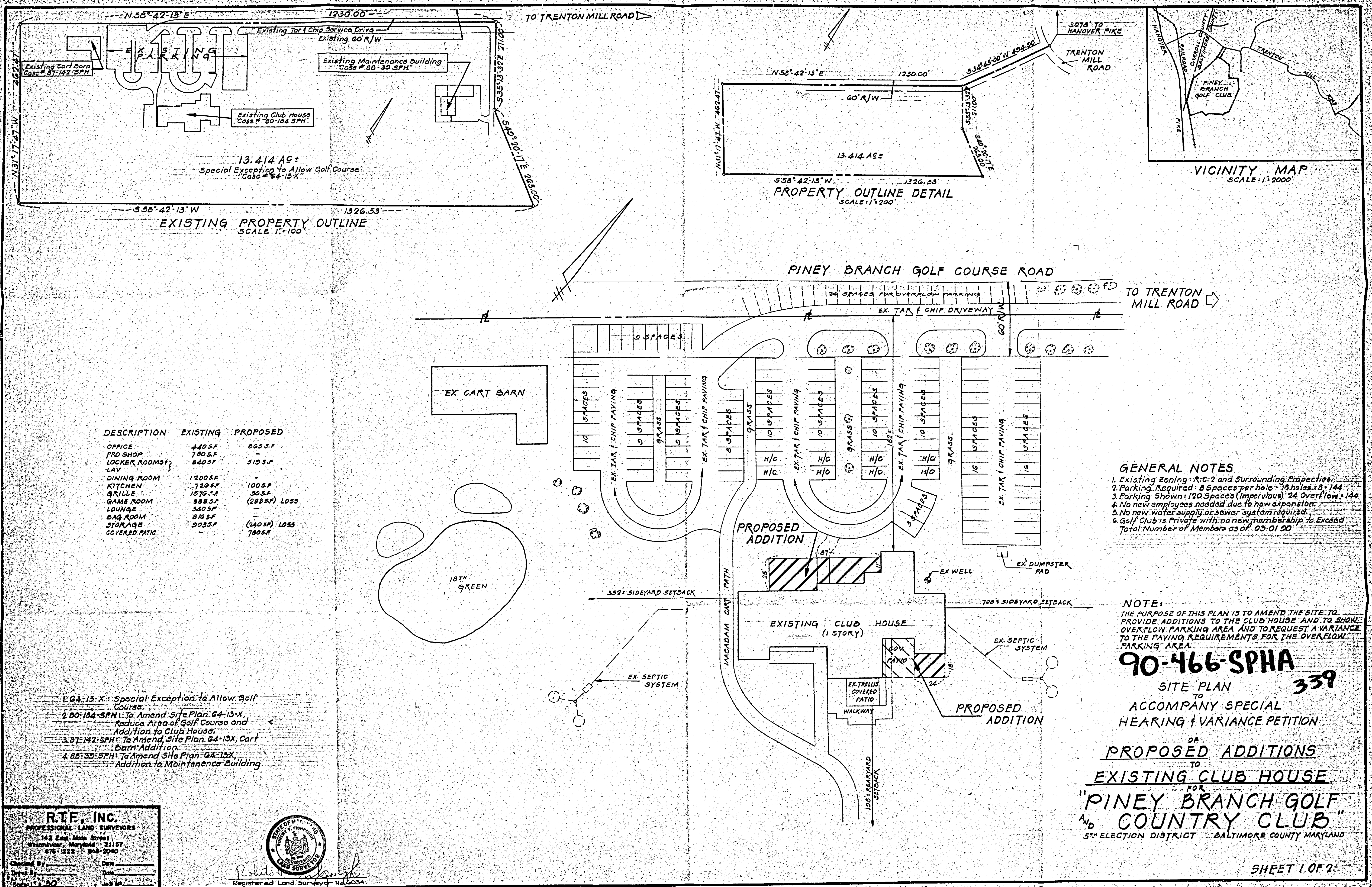
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: File
FROM: J. Robert Haines
Zoning Commissioner
SUBJECT: Two locations for bathroom and shelter facilities on the
Piney Branch Golf Course
Trenton Mill Road
Hampstead, Maryland
February 2, 1990
1/27/89
90-466-SPHA

This office has reviewed the above locations; the first being in the
vicinity of the 5th tee and the second in the vicinity of the 15th
tee. The size and the location do not conflict with the special
exception as granted in the original Case No. 64-13-X and is consistent
with the spirit, intent, and order for the overall use of the property,
therefore, an additional hearing is not required.

JED:cer

PLEASE PRINT CLEARLY
PETITIONER(S) SIGN-IN SHEET
NAME ADDRESS
JOHN C. EISER *2615 Hoffman Mill Rd.*
George E. Dyer *Hampstead Md. 21074*
V. Fred of Piney Branch Golf *7 MARBETH HILL*
WESTMINSTER, MD 21157



DESCRIPTION	EXISTING	PROPOSED
OFFICE	440 S.F.	865 S.F.
PRO SHOP	780 S.F.	-
LOCKER ROOMS	840 S.F.	510 S.F.
LAV.	-	-
DINING ROOM	1200 S.F.	-
KITCHEN	720 S.F.	1005 S.F.
GRILLE	1576 S.F.	305 S.F.
GAME ROOM	888 S.F.	(288 S.F.) LOSS
LOUNGE	340 S.F.	-
BAG ROOM	816 S.F.	-
STORAGE	3033 S.F.	(240 S.F.) LOSS
COVERED PATIO	-	780 S.F.

- GENERAL NOTES**
1. Existing Zoning: R-C-2 and Surrounding Properties.
 2. Parking Required: 8 Spaces per hole - 18 holes = 144
 3. Parking Shown: 120 Spaces (Impervious) 24 Overflow = 144
 4. No new employees needed due to new expansion.
 5. No new water supply or sewer system required.
 6. Golf Club is Private with no new membership to Exceed Total Number of Members as of 03-01-20.

NOTE:
THE PURPOSE OF THIS PLAN IS TO AMEND THE SITE TO PROVIDE ADDITIONS TO THE CLUB HOUSE AND TO SHOW OVERFLOW PARKING AREA AND TO REQUEST A VARIANCE TO THE PAVING REQUIREMENTS FOR THE OVERFLOW PARKING AREA.

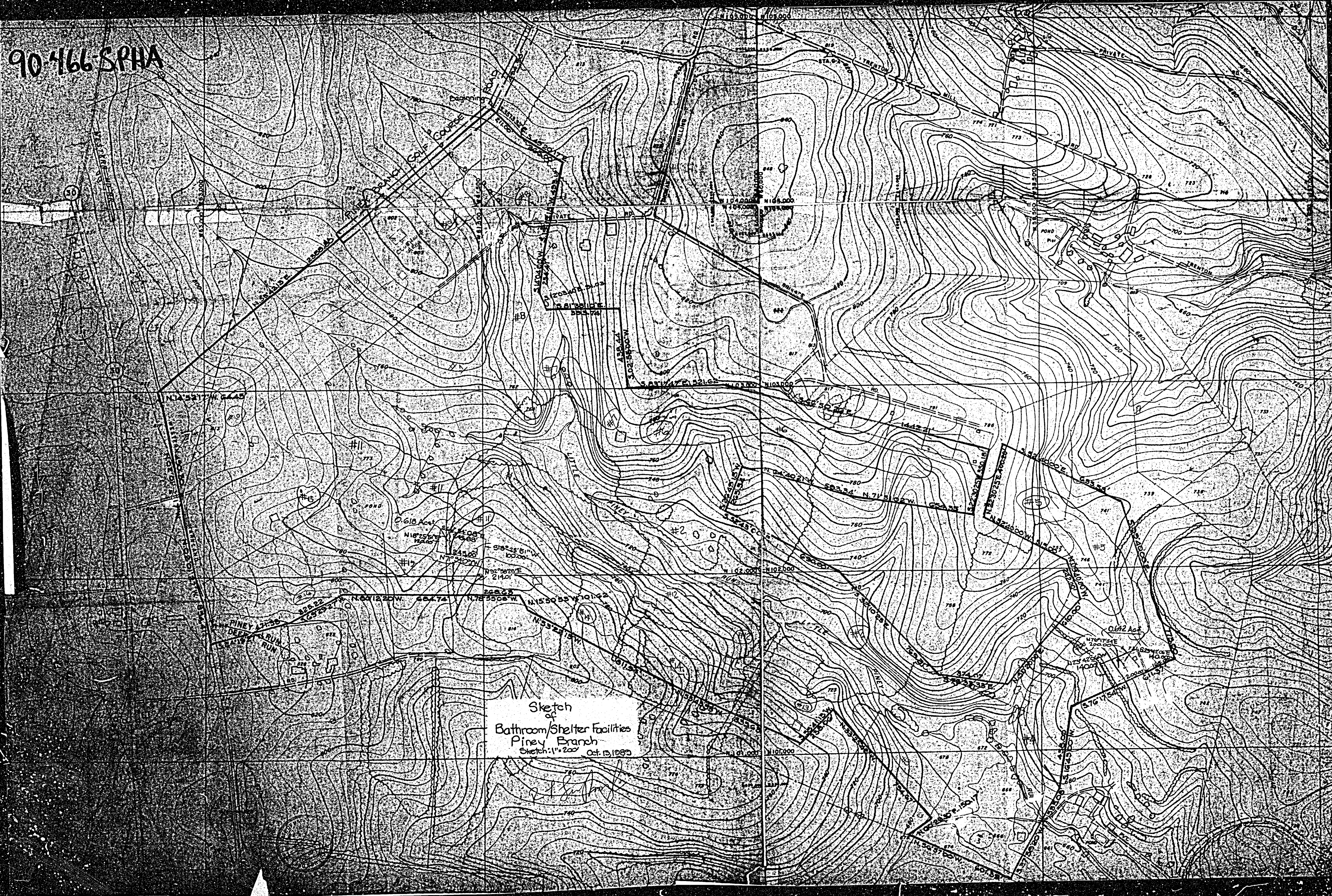
90-466-SPHA
339
SITE PLAN
TO
ACCOMPANY SPECIAL
HEARING & VARIANCE PETITION
OF
PROPOSED ADDITIONS
TO
EXISTING CLUB HOUSE
FOR
"PINEY BRANCH GOLF
& COUNTRY CLUB"
5TH ELECTION DISTRICT BALTIMORE COUNTY MARYLAND

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS
142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By _____ Date _____
Drawn By _____ Date _____
Scale 1" = 50'

Robert J. Ruffolo
Registered Land Surveyor No. 10034

90-466 SPHA



Sketch
of
Bathroom/Shelter Facilities
Piney Branch
Sketch: 1"=200' Oct. 13, 1989

[Signature]

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave
Towson, Md. 21204

(410) 887-3321

November 2, 1995

Hanover Pole Building Co., Inc
P.O. Box 330
6929 York Road
Abbotstown, Pennsylvania 17301

*Bldg Permit
#B-242892*

RE: Piney Branch Golf and Country Club
5301 Tremont Mill Road

~~DRC Number 10215N DRC PC~~

Dear Sir:

Pursuant to Article 25A, Section 5(1) of the Annotated Code of Maryland and as provided in Section 602(d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on October 23, 1995 and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171(a)(7).

90-466-SPHA #339

Hanover Pole Building Co., Inc
Piney Branch Golf and Country Club
November 2, 1995
Page 2

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 2nd day of November, 1995, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for a building permit, your application will therefore be approved subject to the conditions set forth above.

Sincerely,

Arnold Jablon

Arnold Jablon
Director

ALDTR.KAHaw
of Fair, Prison
Susan Wimbley
File

IN THE MATTER OF PETITIONS FOR SPECIAL EXCEPTION OF A & A REALTY, INC. FOR THE PROPERTY LOCATED AT 12300 GLYNOWINGS DRIVE Units 3F, 4/5F, 5R

A & A Realty, Appellant

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-467-X
CASE NO. 90-468-X
CASE NO. 90-469-X

ORDER

WHEREAS, Appellant heretofore filed three Petitions for Special Exception before the Zoning Commissioner of Baltimore County to approve the use of three units in the above captioned property as service garages pursuant to the Baltimore County Zoning Regulations; and

WHEREAS, Appellant has reached an agreement with the St. Georges Station Townhouse Association, Inc., regarding the use, hours of operation and landscaping of the property; and

WHEREAS, the parties have agreed to consolidate the above captioned cases; and

WHEREAS, a hearing was held on November 1, 1991, before the Board of Appeals for Baltimore County, at which time the Board took testimony and admitted evidence and exhibits on behalf of Appellant, there being no protestants appearing at the hearing; and

WHEREAS, the Board has reviewed the matter and found that the testimony presented satisfies the requirement of §502.1 of the Baltimore County Zoning Regulations, and further supports granting the petitions under §253.2 of the Baltimore County Zoning Regulations; and

WHEREAS, the parties wish to resolve by this Order all issues affecting the property without further proceedings.

NOW, THEREFORE, it is this 22nd day of November, 1991, by the Board of Appeals of Baltimore County,

A & A Realty, Inc., Case Nos. 90-467-X, 90-468-X and 90-469-X

ORDERED, that the Petition for Special Exception to use the property known as unit 3F, 12300 Glynwings Drive, for a service garage in accordance with Appellant's Exhibit 1, be and the same is hereby GRANTED; and it is further

ORDERED, that the Petition for Special Exception to use the property known as unit 4/5F, 12300 Glynwings Drive, for a service garage in accordance with Appellant's Exhibit 1, be and the same is hereby GRANTED.

ORDERED, that the Petition for Special Exception to use the property known as unit 5R, 12300 Glynwings Drive, for a service garage in accordance with Appellant's Exhibit 1, be and the same is hereby GRANTED.

All the Petitions herein granted are and shall be subject, however, to the terms and conditions more fully set forth in the agreement between Appellant and the St. Georges Station Townhouse Association, Inc., including, specifically the following restrictions on the use of the Premises:

1. The service garage uses serve and shall continue to serve the uses, including industrial uses, and related activities in the surrounding area.
2. No vehicles being serviced shall be stored on the exterior of the Premises after normal operating hours.
3. Operating hours shall be from 7:00 a.m. to 6:00 p.m., Mondays through Fridays.
4. No body-work or automotive painting shall be conducted on the Premises.
5. Signs shall conform to the size and style of those used for other tenants and units of the Property.
6. All landscaping of the Property shall conform to applicable standards for landscaping as set forth in the Baltimore County Landscape Manual;

A & A Realty, Inc., Case Nos. 90-467-X, 90-468-X and 90-469-X

7. In addition to the landscaping existing upon the Property, A & A shall, within twelve (12) months from the execution hereof, plant trees of the London planes - sycamore variety, having a minimum caliper size of 2 1/2" diameter, at intervals of no less than thirty feet (30') along the frontage of the Property on Glynwings Drive.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Michael S. Sauer, Acting Chairman

William Clark

Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

November 20, 1991

Deborah Dopkin, Esquire
Rosolio and Silverman, P.A.
Suite 220
502 Washington Avenue
Towson, MD 21204

Re: Case Nos. 90-467-X, 90-468-X and 90-469-X (A & A Realty)

Dear Ms. Dopkin:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul
Legal Secretary

Enclosure

cc: Mr. Nicholas Angelozzi, Jr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

IN RE: PETITION FOR SPECIAL EXCEPTION SW/8 Glynwings Drive, SW of Glynock Place (Unit 5R of 12300 Glynwings Drive) 4th Election District 3rd Councilmanic District
A & A Realty
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-467-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to use the subject property for a service garage in accordance with Petitioner's Exhibit 1.

The Petitioner, by Nicholas Angelozzi, Jr., General Partner, appeared, testified, and was represented by Deborah C. Dopkin, Esquire. Also appearing on behalf of the Petition were James W. McKee, Land Surveyor with McKee & Associates, Inc., Jeffrey Brown, President of Brown Motor Company, and Joseph L. Pipitone. Jack Dillon, Senior Planner, appeared on behalf of the Baltimore County Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property, known as 12300 Glynwings Drive, consists of 4.000 acres zoned M.L.-I.M. and is improved with a single story building containing various warehouse and service garage uses as depicted in Petitioner's Exhibit 1. Petitioner is desirous of obtaining a special exception for a service garage use for Unit 5R of the subject building as shown on Petitioner's Exhibit 1. Mr. Angelozzi, a partner of A & A Realty, legal owner of the subject property, testified generally as to the various commercial uses on the subject site and the extent of landscaping. He testified that in his opinion, the relief requested herein meets the requirements of Section 502.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.) and will otherwise have no detrimental impact on surrounding uses in the area.

James McKee, Land Surveyor, testified that he has visited the subject site and believes that the R.T.A. requirements of Section 253.4 of the B.C.Z.R. have been complied with. He also testified that in his opinion the use of the property as a service garage will have no detrimental impact on traffic in the area and that the relief requested otherwise complies with the requirements of Section 502.1 of the B.C.Z.R.

Jack Dillon testified that while the Office of Planning is in general support of Petitioner's request, they would like to see certain restrictions incorporated into the Zoning Commissioner's Order as set forth in their Zoning Plans Advisory Committee comments dated May 23, 1990. Mr. Dillon also testified as to the requirement in Section 253.2.B regarding access to a Class I Commercial Motorway. Mr. Dillon testified that while, to the best of his knowledge, the County Council has not passed a specific ordinance designating Glynwings Drive as a Class I Commercial Motorway, in his opinion it may qualify as such.

Jeffrey Brown, President of Brown Motor Company and tenant of Unit 5R of the subject building, testified that his business primarily involves mechanical servicing of imported domestic vehicles, specifically, the Honda Accord. He testified that his business does no body and/or fender work or painting and services a maximum of five vehicles per day. He testified that all work is performed inside the building and that all automobiles kept on the premises overnight are parked inside. Although Mr. Brown did not testify his business will "serve primarily the industrial uses and related activities in the surrounding industrial area", he stated he will service automobiles from the industrial park. He testified

that he currently employs three individuals and that he has never had any complaints from the surrounding residential community.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Sections 502.1 and 253.2.B.3 of the B.C.Z.R. Section 253.2.B.3 specifically requires a showing that "any such use will serve primarily the industrial uses and related activities in the surrounding industrial area." Based on the testimony and evidence produced, it is clear that neither Petitioner nor Mr. Brown established that the Brown Motor Company was primarily serving the industrial uses in the surrounding area as required by Section 253.2.B.

A second hurdle for Petitioner is found in Section 253.2.B which requires that the subject use have direct access to a "Class I Commercial Motorway." Section 101 of the B.C.Z.R. defines a "Class I Commercial Motorway" as follows:

"A motorway, or portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the County Council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by intersections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers."

To qualify as a "Class I Commercial Motorway" the County Council must, by ordinance, designate the subject roadway as such. As Petitioner did not produce any documentation qualifying Glynwings Drive as a Class I Commercial Motorway, and the Zoning Office's search has failed to locate any such ordinance, the Petitioner's request must be denied.

After reviewing all of the testimony and evidence presented, it is the opinion of the Zoning Commissioner that the Petitioner has not met the requirements set forth in Sections 502.1 or 253.2.B of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of June, 1990 that the Petition for Special Exception to use the subject property for a service garage in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the subject service garage use by the Brown Motor Company shall cease operating on or before November 30, 1990.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 6/13/91
By bjs

ORDER RECEIVED FOR FILING
Date 6/13/91
By bjs

ORDER RECEIVED FOR FILING
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